

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 11, 12, 15-17, 20, 21, 23, and 24 are pending in the present application.

In the outstanding Office Action, Claims 11-12, 15, 20, and 21 were rejected under 35 U.S.C. §103(a) as unpatentable over Widegren (U.S. Patent Publication No. 2003/0172160) in view of Haumont (U.S. Patent No. 7,802,011); Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Widegren in view of Haumont, and further in view of Li et al. (U.S. Patent No. 7,092,727), hereinafter Li; Claim 23 was rejected under 35 U.S.C. §103(a) as unpatentable over Widegren in view of Haumont, and further in view of Balachandran et al. (U.S. Patent Publication No. 2003/0235196, hereinafter Balachandran); and Claim 24 Widegren in view of Haumont, and further in view of Ruutu et al. (U.S. Patent Publication No. 2004/0001491, hereinafter Ruutu).

Applicants respectfully traverse the rejection of Claim 11 as unpatentable over Widegren and Haumont. Claim 11 recites, *inter alia*,

the control apparatus includes a priority determination table for associating a traffic class with the IP priority, the priority determination table determines DCP and ToS priority of IP packets based on a traffic class regarding a Radio Access Bearer, and traffic classed as conversational or streaming, which belongs to real-time traffic requiring real-time communication, is set to have a higher priority than traffic classed as interactive or background, which belongs to a non real-time traffic that does not require real-time communication, and

the priority setting unit is configured to set the IP priority by referring to the priority determination table.

Page 5 of the Office Action acknowledges that these features are not expressly disclosed in Widegren. The outstanding Office Action relies on Haumont to cure the

deficiencies in Widegren. Applicants respectfully traverse the Office's interpretation of Haumont.

Haumont does not disclose that DCP and ToS priority of IP packets are determined based on traffic class with respect to higher priority traffic and lower priority traffic as described in Claim 11. While Haumont describes making routing determinations, there is no disclosure that these routing determinations are made with respect to designating higher priority traffic and lower priority traffic as described in Claim 11. Haumont describes mapping of ToS and PDP (see Haumont's Fig. 2), but does not disclose the "priority determination table" of Claim 11 that determines DCP and ToS priority based on traffic class. The mappings in Haumont's Fig. 2 do not specific priority. Thus, these mapping are not the claimed "priority determination table." Further, while Haumont's Fig. 2 refers to interactive, background, and conversational, there is no table defining any of these classifications in terms of priority.

Thus, Haumont does not disclose the claimed:

the control apparatus includes a priority determination table for associating a traffic class with the IP priority, the priority determination table determines DCP and ToS priority of IP packets based on a traffic class regarding a Radio Access Bearer, and traffic classed as conversational or streaming, which belongs to real-time traffic requiring real-time communication, is set to have a higher priority than traffic classed as interactive or background, which belongs to a non real-time traffic that does not require real-time communication, and

the priority setting unit is configured to set the IP priority by referring to the priority determination table.

Furthermore, the cited tertiary references do not cure the deficiencies in Widegren and Haumont.

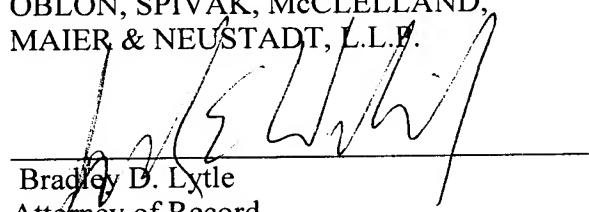
Since the references of record do not disclose the priority determination table as described in Claim 11, Applicants respectfully submit that a person of ordinary skill in the art could not proper combine the references to arrive at the invention defined by Claim 11.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 11 (and any claims dependent thereon) patentably distinguish over Widegren and Haumont, taken alone or in proper combination with Balachandran, Li, and/or Ruutu. Claim 20 recites elements analogous to those of Claim 11. Thus, Applicants respectfully submit that Claim 20 patentable distinguishes over the cited references for at least the reasons stated for Claim 11.

Consequently, in view of the present response, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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